

Practitioner's Docket No. \_\_\_\_\_

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Andrew J. Tobler

Application No.: 10 / 812,370 Group No.: 1723

Filed: March 29, 2004 Examiner: Charles E. Cooley

For: ICE DISPENSE AGITATOR

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**EXPRESS ABANDONMENT IN FAVOR OF CONTINUING APPLICATION**

NOTE: "To facilitate processing, any petition for an extension of time . . . in which a continuing application is filed in lieu of a reply should specifically refer to the filing of the continuing application and also should include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application." M.P.E.P., § 710.02(e), 8th Edition.

1. I request that the above-identified application be expressly abandoned as of the filing date accorded to the:

- ☐ continuation  
☒ continuation-in-part  
☐ divisional (where parent application is to be abandoned)

application filed herewith.

NOTE: "A letter of abandonment properly signed becomes effective when an appropriate official of the Office takes action thereon." M.P.E.P., § 711.01, 8th Edition.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
 Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

**MAILING**

- ☒ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

- ☒ with sufficient postage as first class mail.

☐ as "Express Mail Post Office to Addressee"

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**TRANSMISSION**

- ☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: April 19, 2006

Signature

Deborah Konicki

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing-date for patent term adjustment calculations.

**Authorization to Charge Additional Fees**

☒ The Office is hereby authorized to charge any fees that may be required by this paper.

Authorization is hereby made to charge any fees that may be required to Deposit Account 10-1324.

☒ A duplicate of this paper is attached.

(complete the following applicable items)

NOTE: 37 C.F.R. 1.138(b): "A written declaration of abandonment must be signed by a party authorized under § 1.33(b)(1), (b)(3), or (b)(4) to sign a paper in the application, except as otherwise provided in this paragraph. A registered attorney or agent, not of record, who acts in a representative capacity under the provisions of § 1.34(a) when filing a continuing application, may expressly abandon the prior application as of the filing date granted to the continuing application."

**A. Inventors**

\_\_\_\_\_  
(Type or print name of inventor)

\_\_\_\_\_  
Signature of inventor

(add similar signatures for all inventors)

**B. Assignee**

\_\_\_\_\_  
(Type or print name of person authorized to sign on behalf of assignee)

\_\_\_\_\_  
Signature of person authorized to sign on behalf of assignee

\_\_\_\_\_  
(type name of assignee)

Assignment recorded on \_\_\_\_\_  
Reel \_\_\_\_\_ Frame \_\_\_\_\_

\_\_\_\_\_  
Address of assignee

A "CERTIFICATE UNDER 37 C.F.R. § 3.73(b)"  
is attached

\_\_\_\_\_  
Title of person authorized to sign on behalf of assignee

**C. Attorney Under 37 C.F.R. § 1.34(a)**

  
SIGNATURE OF PRACTITIONER

Reg. No. 25,694

Robert A. Lloyd

\_\_\_\_\_  
(type or print name of practitioner)

Tel. No. ( )

\_\_\_\_\_  
P.O. Address

Customer No. 21015